REMARKS/ARGUMENTS

Claims 20-24, 30 and 32-36 remain in the case.

Rejection Under 35 USC 112

Claims 30, 32, 33 and 34 have been rejected as lacking support with respect to independent Claim 36, which is drawn to a "process" and not a "product". Applicants respectfully traverse the rejection on this basis.

As written, the rejection claims recite, "The detergent product made by the process of Claim 36 ...." It is submitted that the claims thereby define the claimed products in terms of the process by which they are made. Accordingly, these are proper product-by-process claims under MPEP 2173.05 (p). Reconsideration and withdrawal of the rejections on this basis are requested.

Rejection Under 35 USC 103

All claims stand rejected as obvious over the single reference U.S. 5,731,279, for reasons of record. Applicants respectfully traverse the rejections on this basis.

All remarks and arguments made in the previous amendment remain in effect.

At the outset, it is noted that nothing in the working Examples of '279 would appear to relate to using polyethylene glycol having a molecular weight less than about 1000 as an admix in the '279 compositions. Thus, the process of Claim 22, and the product-by-process of Claims 32 and 34, are neither taught nor suggested by '279. Accordingly, reconsideration of the rejection of Claims 22, 32 and 34 is requested.

With regard to the overall rejection of Independent Claim 36, and all claims depending therefrom, it is respectfully urged that the Examiner reconsider the grounds for rejection, for the following reasons.

It seems useful to briefly summarize the technology which underlies the present invention. [All page and line citations refer to the parent WO 99/55821 document.]

As discussed at page 1, the manufacture of detergent tablets which readily dissolve in washing machines, but which do not crumble or deteriorate prior to use, can be problematic. As disclosed at page 2, if detergent tablets were to sink in water, their dissolution would be improved. In order to achieve "sinkability" the density of the tablets must be 1000 g/l, or more. However, the problem has been discovered that such highly dense tablets comprise particles which stick together so tightly that solubility is impeded.

Having encountered this problem, Applicants have determined its solution by employing the process of Claim 36, herein.

It is respectfully submitted that the invention as thus defined and claimed fully meets the requirements of 35 USC 103 over U.S. 5,731,279, for the following reasons:

1.) As discussed in the earlier responsive amendment, '279 contains but a single word reference to "tablets". A single line [here, single word] in a prior art reference should not be taken out of context and relied upon with the benefit of hindsight to show obviousness. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F. 2d. 443 (Fed. Cir. 1986).

2.) It is noted that all claim limitations (i.e., the 1000g/l density) are not taught or suggested in '279. To establish the *prima facie* obviousness of the claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F. 2d. 981 (CCPA 1974).

3.) The '279 patent does not teach or suggest a process for preparing tablets having the requisite 1000 g/l density. It is settled law that the question of obviousness under §103 is not what the artisan could have done, but what would have been obvious for the person to do. *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ 2d 1081 (Fed. Cir. 1986).

4.) Finally, it is noted that the discovery of the source of a problem - here, the particle sticking problem associated with highly dense tablets, thereby impeding the desired solubility – is nowhere suggested in '279. As the Examiner is aware from case law cited at MPEP 2141.02, the discovery of the problem constitutes part of the "invention as a whole" test under 35 USC 103.

In summary, it is submitted that the facts and law fully support the patentability of the claims herein. Reconsideration and withdrawal of the rejections under §103 are respectfully requested.

In light of the foregoing, withdrawal of all rejections under §112 and §103 and a favorable action on Claims 20-24, 30 and 32-36 are requested.

Respectfully submitted,
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